

# ARNOLD & PORTER

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Washington, DC 20004 1206



January 3, 2002

Commissioner for Patents  
Washington, D.C. 20231

Re: U.S. Nonprovisional Application  
Appl. No.: 09 849,529  
Filed: May 7, 2001  
Entitled: Nucleic Acid Molecules and Other Molecules  
Associated with Plants  
Inventors: FINCHER, Karen L. *et al.*  
Atty. Docket: 16517.247 [38-21(51893)B]

Sir:

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office:

1. an Amendment and Response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and or Amino Acid Sequence Disclosures;
2. a copy of the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and or Amino Acid Sequence Disclosures;
3. three (3) CD-ROMs separately containing:
  - (i) the sequence listing in computer readable form (i.e., CRF REPLACEMENT 12 31 2001);
  - (ii) COPY 1 REPLACEMENT 12 31 2001 of the sequence listing on compact disc; and
  - (iii) COPY 2 REPLACEMENT 12 31 2001 of the sequence listing on compact disc;
4. a Statement Regarding Sequence Submission; and
5. a return postcard.

Three CD-ROMs accompany this transmittal letter: two copies of a sequence listing (Seq. Listing: COPY 1 REPLACEMENT 12 31 2001, Seq. Listing: COPY 2 REPLACEMENT

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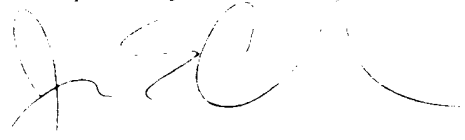
Appl. No. 09 849,529  
16517.247 [38-21(51893)B]  
Page 2

identical to each other and to the sequence listing CRF: REPLACEMENT 12 31 2001. All three sequence listing CD-ROMs each contain one file called "pa\_00349.txt" which is 20,112,035 bytes in size (measured in MS-DOS) and was created on December 31, 2001. All CD-ROMs are in IBM-PC machine format, and are MS-DOS and MS-Windows compatible.

Please stamp the postcard with the filing date of these documents and returned to our courier.

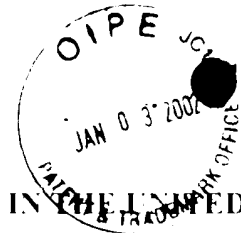
It is not believed that extensions of time are required in conjunction with this filing. However, if extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account Number 50-1824, referencing docket number 16517.247. Applicants likewise authorize a charge to Deposit Account Number 50-1824 for any other fees related to the present application that are not otherwise provided for in the accompanying documents.

Respectfully submitted,



David R. Marsh (Reg. No. 41,408)  
Jane E. Cohan (Reg. No. 43,741)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

FINCHER, Karen L. *et al.*

Appln. No.: 09 849,529

Filed: May 7, 2001

For: *Nucleic Acid Molecules and Other  
Molecules Associated with Plants*

Art Unit: 1638

Examiner: To Be Assigned

Atty. Docket: 16517.247 [38-21(51893)B]

**Statement Regarding Sequence Submission**

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

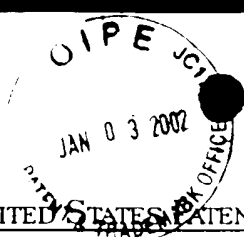
In accordance with 37 C.F.R. § 1.821(f), the compact disk copies of the Sequence Listing and the computer-readable copy of the Sequence Listing submitted herewith in the above-mentioned application are the same, and contain no new matter.

Respectfully submitted,

David R. Marsh (Reg. No. 41,408)  
June E. Cohan (Reg. No. 43,741)

Date: January 3, 2002

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APPLICATION NUMBER	FILING RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/849,529	05/07/2001	Karen L. Fincher	16517.247 [38-21651893]B]

28381.  
ARNOLD & PORTER  
IP DOCKETING DEPARTMENT; RM 1126(b)  
555 12TH STREET, N.W.  
WASHINGTON, DC 20004-1206

CONFIRMATION NO. 8354

FORMALITIES LETTER



\*OC000000007033976\*

Docketed

Due Date

Initial

Sequence

1-7-02

dlc

Date Mailed: 11/07/2001

### NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

*A copy of this notice MUST be returned with the reply.*

*U...*

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DOCKET DEPT.  
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